HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 2159 of 2007

PETITIONER : Ku. Suraiya Tarannum D/o. Khalil Khan, Aged about 26years, R/o. In front of Power House, Tahsil Bijapur, Post Bijapur, Distt Dantewada (CG)

VERSUS

RESPONDENTS :
1] State of Chhattisgarh, Through: Secretary, Panchayat & Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur, District Raipur (CG)
2] Collector, South Bastar, Dantewada, District Dantewada (CG)
3] Chief Executive Officer, Janpad Panchayat Usur, Tahsil Bijapur, District Dantewada (CG)
4] Chief Executive Officer, Zila Panchayat, Dantewada, District Dantewada (CG)
5] Ku. K.Mateshwari, D/o. Nagaiya, Aged about 26 years, R/o Village Basaguda, Tahsil Bhopal Pattanam, Post Aabhapali, Dist Dantewada (CG)

Present: Shri Manoj Paranjpe, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State / respondent No. 1 and 2.

ORDER

(Passed on 9th of April, 2007)

1. Learned counsel appearing for the petitioner submits that the appointment of the petitioner on the post of Shiksha Karmi Grade III, Janpad Panchayat Usur, Block Bijapur, District Dantewada has been cancelled on the ground that the experience certificate produced by her is forged one.

The reasons given by the Collector in his order dated 12.12.2006/12.01.2007 (Annexure P /10) seems to be that other experience certificate of her brother Abdul Imtiaz Khan was prepared by the same computer. There is no mention of complaint in his order against her. The Collector, it appears, has recorded finding on the basis of no evidence without affording any opportunity of hearing to the petitioner. It is a case where no notice is required to be issued to the respondent no. 5. There is apparent error on the face of the records. State is represented through learned counsel.

2. In view of the fact that principles of natural justice has not been followed, the order in respect of the petitioner is set aside and remitted back to the Collector for reconsidering the matter a fresh, after affording proper opportunity of hearing to the petitioner as well as other concerned persons.

3. This matter is accordingly allowed to the above extent and remitted back to the Collector for decision a fresh as stated above. No order as to costs.

4. Consequently, I.A. No. 1 and 2, application for ad-interim writ and application for urgent hearing, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Amit